JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 105 OF 2016
IN
TESTAMENTARY PETITION NO. 388 OF 2002

Leela Wd/o. Lalu Mansu Vaijal …Petitioner
Versus
Laxman Navsha Varthe …Respondent

Mr. B.G. Saraf, *for the Petitioner.*
Ms. Pallavi Chavan, *i/b Y. Deshpande for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 13th December 2016

PC:-

1. Heard.

2. The Petition seeks revocation of Letters of Administration issued on 17th August 2004 to the property and credits of one Shri Navsha Budhya Varthe. The only ground for seeking revocation is that the deceased did not have title to the land in question.

3. It is well settled that applications for probate in Letters of Administration do not decide questions of title. There is, therefore, no basis for this Revocation Petition, which is misconceived. It is

clarified that the Revocation Petitioner will be at liberty to adopt such civil proceedings as may be necessary regarding the title to the property in question. Those proceedings will be decided on their own merits, unaffected by the grant of Letters of Administration. With these observations, the Revocation Petition is dismissed as withdrawn with no order as to costs at the request of Mr. Saraf for the Petitioner.

4. All rights and contentions as to title are specifically left open.

(G. S. PATEL, J.)